

REMARKS

1. Claims 1 - 3, 9, 10, 12-14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrissey, Jr. et al. (US Pat. 6,452,340 B1) in view of Bell (US Pat. 4,190,830). Applicant has amended independent Claim 1, from which claims 2 and 3 depend and independent Claim 9, from which Claims 10, 12 - 14 and 17 - 19 depend, to include a limitation as follows: "the status output device adapted to emit a flash and pause pattern consistent with and substantially simultaneously to a flash pattern of the flashing device indicating proper operation of the flashing device, the status output device also adapted to indicate, in an event of a failure of the visual warning device, whether the flashing device is faulty, by continued flashing of the status output device although the flashing device has ceased operation, or in the alternative, whether the fault lies with other visual warning device circuitry, indicated by a failure of the status output device to flash."

Applicant respectfully submits that the rejection of Claims 1-3, 9, 10, 12-14 and 17-19 under 35 U.S.C. 103(a) as being unpatentable over Morrissey, Jr. et al. in view of Bell is moot in light of such amendment.

Morrissey discloses an indicator circuit for a visual warning device, which includes an LED D2 which is activated after a determination has been made that a primary lamp 54 is faulty (col. 6, lines 1-35). Neither Morrissey nor Bell discloses the illumination of a status output device while a primary lamp is operating properly.

Applicant respectfully submits that the rejection of Claims 1-3, 9, 10, 12 -14 and 17-19 under 35 U.S.C. 103(a) should be withdrawn.

2. Claims 11 and 16 are rejected under 35 US.C. 103(a) as being unpatentable over Morrissey, Jr. et al. in view of Bell as applied to claim 9 above, and further in view of Tanaka.

In light of the amendment of Claim 9, Applicant respectfully submits that the rejection of Claims 11 and 16 under 35 U.S.C. 103(a) as being unpatentable over

Morrissey, Jr. et al. in view of Bell, and further in view of Tanaka is moot and requests that the rejection of Claims 11 and 16 be withdrawn.

3. In response to the rejection of Claims 1 - 3 and 9 - 14 and 16 - 19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 10 of U.S. Patent No. 6,720,883 B2, Applicant has provided terminal disclaimer in compliance with 37 CFR 1.321(c). Applicant respectfully submits that the rejection of Claims 1 - 3 and 9 - 14 and 16 - 19 under the judicially created doctrine of obviousness-type double patenting should therefore be withdrawn.

4. Applicant has also amended Claims 2, 3, 12, 17 - 19 to focus on other dependent subject matter. Claim 19 now depends from Claim 1.

5. Applicant believes the application is in condition for allowance and respectfully requests the same. If the Examiner is of a differing opinion he/she is hereby requested to conduct a telephonic interview with the undersigned attorney.

Respectfully submitted.

HOLLAND & MIDGLEY, LLP

DATED: October 12, 2005

By: 

Joseph W. Holland
Reg. No. 38,919
(208) 336-1234